

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LaFRANCE BEAL,
Petitioner,
v.
WILLIAM MUNIZ,
Respondent.

Case No. [16-cv-0149-TEH](#)

ORDER OF DISMISSAL

Petitioner LaFrance Beal, a state prisoner, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Docket No. 1. On the same day the action was filed, the Court notified Petitioner in writing that his action was deficient because he did not pay the requisite \$ 5.00 filing fee or, instead, submit with his in forma pauperis (IFP) application a completed certificate of funds in his prison trust account (COF) signed by an authorized officer and a copy of his prison trust account statement for the last six months. See 28 U.S.C. § 1915(a)(2). The notice informed Petitioner that if he did not pay the fee or submit the required documents within twenty-eight days from the date of the notice, his action would be dismissed and the file closed.

More than twenty-eight days have passed since the notice was filed and Petitioner has not paid the fee or provided the Court with the requisite items, or otherwise communicated with the

1 Court. Accordingly, the action is DISMISSED without prejudice.

2 Because reasonable jurists would not find the result here
3 debatable, a certificate of appealability ("COA") is DENIED. See
4 Slack v. McDaniel, 529 U.S. 473, 484-85 (2000) (standard for
5 COA). The Clerk is directed to terminate all pending motions as
6 moot and close the file.

7 IT IS SO ORDERED.

8 Dated: 02/17/2016

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10 THELTON E. HENDERSON
11 United States District Judge

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